

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation
MDL No. 2325*

Civil Action No. 2:13-25859

AMENDED SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference. Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Karen Perry

2. Plaintiff Spouse

David Perry

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

4. State of Residence

Texas

5. District Court and Division in which venue would be proper absent direct filing

Western District of Texas, Austin Division

6. Defendants (Check Defendants against whom Complaint is made):

A. American Medical Systems, Inc. ("AMS")

- B. Ethicon, Inc.
- C. Ethicon, LLC
- D. Johnson & Johnson
- E. Boston Scientific Corporation
- F. C. R. Bard, Inc. (“Bard”)
- G. Sofradim Production SAS (“Sofradim”)
- H. Tissue Science Laboratories Limited (“TSL”)
- I. Mentor Worldwide LLC
- J. Coloplast Corp.

7. Basis of Jurisdiction

- Diversity of Citizenship
- Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

1,2,6,7,8,9,10,11,12, 13, 14, 15

B. Other allegations of jurisdiction and venue

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- A. Apogee;
 - B. Perigee;
 - C. MiniArc Sling;
 - D. Monarc Subfascial Hammock;
 - E. SPARC;
 - F. In-Fast;
 - G. BioArc;
 - H. Elevate;
 - I. Straight-In;
 - J. Other
-
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9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- A. Apogee;
- B. Perigee;
- C. MiniArc Sling;
- D. Monarc Subfascial Hammock;
- E. SPARC;
- F. In-Fast;
- G. BioArc;
- H. Elevate;
- I. Straight-In;

J. Other;

10. Date of Implantation as to Each Product

August 1, 2011

11. Hospital(s) where Plaintiff was implanted (including City and State)

St. Davids

Round Rock, TX

12. Implanting Surgeon(s)

David Friedburg, MD

13. Counts in the Master Complaint brought by Plaintiff(s)

- Count I - Negligence
- Count II – Strict Liability – Design Defect
- Count III – Strict Liability – Manufacturing Defect
- Count IV – Strict Liability – Failure to Warn
- Count V - Strict Liability – Defective Product
- Count VI - Breach of Express Warranty
- Count VII – Breach of Implied Warranty
- Count VIII – Fraudulent Concealment
- Count IX – Constructive Fraud
- Count X - Discovery Rule, Tolling and Fraudulent Concealment
- Count XI – Negligent Misrepresentation

- Count XII – Negligent Infliction of Emotional Distress
- Count XIII – Violation of Consumer Protection Laws
- Count XIV – Gross Negligence
- Count XV - Unjust Enrichment
- Count XVI - (By the Spouse) – Loss of Consortium
- Count XVII – Punitive Damages
- Other _____ (please state the facts supporting this Count in the space, immediately below)
- Other _____ (please state the facts supporting this Count in the space, immediately below)

s/ Brady R. Thomas

Attorneys for Plaintiff

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